

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION – IN ADMIRALTY**

CIVIL ACTION NO. 4:22-cv-00051-BO

In the Matter of:

CYRUS HAMILTON SLOAN, SR.,
Owner of the M/V DRESS BLUE, a
2016 or 2017 48' +/- Sabre Salon
Express, HIN # HWS48085F617, NC
Registration # 1387 EK, Official #
1271682, her engines, tackle, apparel,
appurtenances, etc.

For Exoneration from
and/or Limitation of Liability

**JOINT STIPULATIONS OF
LIMITATION PLAINTIFF AND
CLAIMANT LYDIA MCCARTHY**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW Cyrus Hamilton Sloan, Sr., Limitation Plaintiff (hereinafter “Sloan”) and Lydia McCarthy, Claimant and Respondent in the above-captioned matter, and, without prejudice to her position that this exoneration from and/or limitation of liability proceeding is improper and should be dismissed, file the following stipulations in this limitation proceeding in order to justify lifting the restraining order issued herein and allowing her to prosecute her claims against Sloan, as Owner of the M/V DRESS BLUE (O.N. 1271682) (hereinafter the “Vessel”) in a South Carolina court of competent jurisdiction.

I.

Ms. McCarthy stipulates that Sloan is entitled to and has the right to litigate all issues relating to limitation of liability pursuant to the provisions of 46 U.S.C. §

**EXHIBIT
A**

30501, *et. seq.* in this Honorable Court.

Ms. McCarthy specifically reserves all the rights and defenses she may have with regard to the exoneration and/or limitation proceeding instituted in this Honorable Court including, *inter alia*, all assertions and allegations made by Sloan in his Verified Complaint for Exoneration from and/or Limitation of Liability as Owner of the Vessel, the value of the limitation fund alleged by Sloan, as well as Sloan's alleged right to exoneration from and/or limitation of liability.

II.

Ms. McCarthy stipulates that she will not seek, in an action pending in any other court, any judgment or ruling on the issue of Sloan's right to limitation of liability.

Ms. McCarthy consents to waive any claim of res judicata relevant to the issue of limitation of liability based on any decision by a fact finder or judgment in any other court.

III.

Ms. McCarthy, while not stipulating to or agreeing to NINE HUNDRED THOUSAND U.S. DOLLARS (\$900,000.00) as the value of Sloan's interest in the Vessel and her pending freight, hereby stipulates and agrees that in the event there is a judgment(s) or recovery(ies) in any other action in excess of NINE HUNDRED THOUSAND U.S. DOLLARS (\$900,000.00), whether against Sloan, the Vessel, or any liable parties, including but not limited to those who may assert claims, however styled, including those for remedy over, contribution, or otherwise, in no event will

Ms. McCarthy seek to enforce any excess judgment or recovery to the extent it may expose Sloan or the Vessel to liability in excess of NINE HUNDRED THOUSAND U.S. DOLLARS (\$900,000.00) pending the adjudication of his Verified Complaint for Exoneration from and/or Limitation of Liability as Owner of the Vessel in this Honorable Court.

IV.

Ms. McCarthy stipulates that any prosecution of claims against Sloan by her shall be brought in the United States District Court for the District of South Carolina In Admiralty or in diversity.

V.

Ms. McCarthy stipulates that the Vessel will not be arrested by or for her in any other action.

Respectfully submitted by:

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